

106TH CONGRESS  
1ST SESSION

# H. R. 3208

To amend the Consumer Product Safety Act to improve the way the Consumer Product Safety Commission handles defective products and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 1999

Mr. BLAGOJEVICH (for himself, Mr. BERRY, Mr. GREEN of Texas, Ms. MILLENDER-McDONALD, Mr. MCGOVERN, Mr. WAXMAN, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend the Consumer Product Safety Act to improve the way the Consumer Product Safety Commission handles defective products and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Daniel Keysar Memo-  
5       rial and Childhood Consumer Product Safety Act of  
6       1999”.

7       **SEC. 2. FINDINGS.**

8       The Congress finds the following:

1           (1) On May 12, 1998, Chicago resident Linda  
2           Ginzel and her husband, Boaz Keysar, lost their 16-  
3           month old son, Danny, when a defective crib col-  
4           lapsed and strangled him at a Chicago day care  
5           home. Although the licensed day care facility had  
6           been inspected just 8 days before the incident and  
7           the crib had been recalled by the Consumer Product  
8           Safety Commission in 1993, the day care home was  
9           not aware of the recall and it never removed the de-  
10          fective crib. Danny was the twelfth child to die in  
11          this type of defective crib nationwide. Moreover, the  
12          thirteenth child was killed in Fair Haven, New Jer-  
13          sey just 3 months later.

14          (2) The Consumer Product Safety Commission  
15          (CPSC) is an independent Federal regulatory agency  
16          created in 1972 to protect the public against unrea-  
17          sonable risks of injuries and deaths associated with  
18          consumer products. Although the CPSC has jurisdic-  
19          tion over about 15,000 types of consumer products,  
20          its budget is less than the Food and Drug Adminis-  
21          tration's budget for regulating animal medicines.

22          (3) The budget for the Consumer Product Safe-  
23          ty Commission has failed to keep pace with inflation.  
24          In fact, when indexed for inflation, the Commission's  
25          1974 budget allocation of \$30 million would be \$98

1 million today, compared to the current level of \$47  
2 million.

3 (4) Although manufacturers are required by law  
4 to report safety problems with their products, on av-  
5 erage only about 260 reports are filed each year.  
6 Yet, annual CPSC inspections of over 2,000 prod-  
7 ucts consistently revealed close to half the products  
8 in violation of CPSC regulations.

9 (5) On average, the CPSC recalls about 200-  
10 300 products each year, the majority of which are  
11 children's products or toys.

12 (6) In 1998, 38 million individual units of chil-  
13 dren's products were recalled.

14 (7) Although the CPSC is able to have recalled  
15 products removed from retail stores, it is more dif-  
16 ficult to have recalled products removed from con-  
17 sumers' homes, the secondary market, including re-  
18 sale stores and child care facilities. On average, only  
19 10 to 30 percent of the products recalled are re-  
20 paired or returned. The number of products de-  
21 stroyed by the consumer is unknown. As a result,  
22 children and other consumers are likely to be injured  
23 and some killed by recalled products that have not  
24 been returned, destroyed, or repaired.

1 **SEC. 3. RECALLED PRODUCTS.**

2 The Consumer Product Safety Act (15 U.S.C. 2501  
3 et seq.) is amended by adding at the end the following:

4 “RECALLED PRODUCTS

5 “SEC. 38. (a) Within 180 days from the date of en-  
6 actment of this section, the Commission shall establish a  
7 comprehensive list of all children’s products subject to re-  
8 call or corrective action under the statutes it administers  
9 over the last 15 years and shall undertake to make the  
10 list widely available to the general public, State and local  
11 governments, and the secondary market, including retail  
12 stores and child care facilities through its toll free tele-  
13 phone hotline, electronic mail, and web site listings. The  
14 Commission shall develop a strategy for partnering with  
15 State and local governments to produce and distribute the  
16 list under this subsection to individual consumers and the  
17 secondary market, including resale stores and child care  
18 centers.

19 “(b) Section 6(b) shall not apply to Commission an-  
20 nouncements of corrective actions. All Commission an-  
21 nouncements of corrective actions, including press re-  
22 leases, shall be identified as ‘recall’. The announcements  
23 shall, with respect to the product for which the announce-  
24 ments are made—

1           “(1) state clearly and concisely, in the strongest  
2           possible language, the nature and extent of the prod-  
3           uct hazard and any potential risk of injury; and

4           “(2) shall include the number of known deaths,  
5           injuries and incidents associated with the product  
6           hazard being corrected.

7 In stating the hazard and risk of injury, the announce-  
8 ment shall use clear and unambiguous language intended  
9 to motivate consumers to participate in the recall. In addi-  
10 tion, the Commission shall publicly post press releases and  
11 other announcements of corrective action, e.g. annual re-  
12 port listings in a timely manner.

13          “(c) The Commission shall establish a pilot program  
14 to work with manufacturers and retailers to obtain the  
15 identity of consumers who purchase specified juvenile or  
16 children’s products so the consumer can be notified in the  
17 event of a product recall.

18          “(d) The Commission shall report to Congress annu-  
19 ally on the effectiveness of the recalls ordered under sec-  
20 tion 15(d) for each specific product so that the percentage  
21 of products sold and subject to such recall or corrective  
22 action and actually recalled or repaired may be determined  
23 and made available to the general public through its toll  
24 free telephone hotline, electronic mail, and website.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2       The first sentence of section 32(a) of the Consumer  
3 Product Safety Act (15 U.S.C. 2081) is amended by strik-  
4 ing out “not to exceed” and all that follows and inserting  
5 “\$100 million for each of the fiscal years 2001, 2002, and  
6 2003.”.

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